

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DAVID N. TERHUNE,)
Plaintiff,)
v.) C.A. No.: 06-360-***
APPLIED EXTRUSION)
TECHNOLOGIES, INC., JACKSON)
CRAIG and TERRY SMITH)

STIPULATION AND ORDER

Plaintiff David N. Terhune and defendants Applied Extrusion Technologies, Inc., ("AET") Jackson Craig, and Terry Smith (collectively, "Defendants"), by their respective counsel, hereby agree and stipulate, subject to the approval of the Court, that the Scheduling Order dated August 21, 2006 (Docket No. 30) is hereby amended by extending all outstanding deadlines by ninety days, as follows:

1. Discovery Cut Off. All discovery in this case shall be initiated so that it will be completed on or before May 3, 2007.
2. Case Dispositive Motions. All case dispositive motions, an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before May 31, 2007.

The parties also respectfully request that the Court set a new trial date at least ninety days after the currently scheduled date of October 15, 2007, in order to allow adequate time for the Court to rule on Case Dispositive Motions, if any, and reschedule the Pretrial Conference accordingly.

The reasons the parties seek this extension of the deadlines in this case are: (1) the parties have agreed to seek a mediated settlement of the claims in this matter, and have scheduled a mediation for January 26, 2007, and (2) the Court has not yet ruled on the Defendants' Motion to Dismiss and the Plaintiff's Motion for the Payment of Legal Fees and Costs of Litigation. In the interests of economy, therefore, the parties wish to suspend all discovery and other deadlines pending the outcome of the mediation and/or the Court's ruling on the outstanding Motions. The parties believe that this modest delay will facilitate a swift and just resolution of this case.

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Dated: January 22, 2007

Attorneys for Defendants

SO ORDERED this _____ day of _____, 2007.

NEW TRIAL DATE: _____

NEW FINAL PRE-TRIAL CONFERENCE DATE: _____

 United States District Judge